DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-30, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-10, 18-20, and 28-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-10, 18-20, and 28-30 recite the phrase "fragment of sales information". It is unclear what applicant means by fragment of information. Appropriate clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 4, 11, 14, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. (2003/0097317) in view of Bhaskaran et al. (2002/0194039).

As per claim 1, Burk et al. discloses "A method for modeling sales processes, the method comprising:

acquiring sales process information (abstract; via data is collected from a plurality of stores of a supply chain that related to the sale of goods by the stores);

defining at least one parameter that characterizes at least one best practice (pg. 72, ¶ 1708; via determine product supply parameters in a supply chain management framework. Forecasting is carried out as a function of the data and product supply parameters, where forecasting are a best practice);

creating at least one rule based on said at least one defined parameter identifying said at least one best practice (pg. 72, ¶ 1710; via rules are determined, forecasting is carried out as a function of the rules which are based on the defined parameters);

and modeling a new sales process using said at least one created rule (pg. 11, ¶ 311; via sales forecasting and inventory management model, where the model is used to conduct sales forecasting which is carried out as a function of the rules as stated above).

Burk, however, fails to explicitly disclose where the sales process information is acquired from at least one existing business model.

Bhaskaran et al. discloses a model for checking and coordination of business process that discloses where sales process information is acquired from at least one existing business model (pg. 8, ¶ 187, and Fig. 3; via the sales forecasting model

acquires information from model of historical sales data and the model of causal factors).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of Burk et al. to include the acquisition of sales process information from at least one existing business model as taught by Bhaskaran et al. since a business model would be another useful way to acquire pertinent sales process information for the purpose forecast modeling.

Claims 11, and 21 recite equivalent limitations to claim 1 and are therefore rejected using the same art and rationale as set forth above.

As per claim 4, Burk further discloses "wherein said at least one created rule is applicable to a particular context" (pg. 72, ¶ 1711; via in one aspect the rules indicate a distributor to which the electronic order form is to be sent. In another aspect the rules indicate an amount of the products to be ordered from the distributor of the supply chain, where these aspects are construed to be specific contexts within the area of supply chain to which the rules are applicable to).

Claims 14 and 24 recite equivalent limitations to claim 4 and are therefore rejected using the same art and rationale as set forth above.

6. Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. in view of Bhaskaran et al. as applied to claim 1, 11 and 21 above, and further in view of Hack et al. (20030187675).

As per claim 2, the Burk et al. Bhaskaran et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "combining rules from a plurality of best practices and at least one manual input to execute said modeling of said new sales process".

Hack et al. discloses a business valuation tool "combining rules from a plurality of best practices and at least one manual input to execute said modeling of said new sales process" (pg. 3, ¶ 22-23 discloses the valuation tool presenting several business strategies or practices of which the user can select one or more to apply to their business. These business strategies are generated using manual user input and use specific plans or rules in order to accomplish the objectives of the business strategy)

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of the Burk et al. and Bhaskaran et al. combination to include the "rules from a plurality of best practices and at least one manual input to execute said modeling of said new sales process as taught by Hack et al. since combining rules from a plurality of different best practices would facilitate the generation of a well planned and thought out sales process.

Claims 12 and 22 recite equivalent limitations to claim 2 and are therefore rejected using the same art and rationale as set forth above.

7. Claims 3, 5, 6, 13, 15, 16, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Burk et al. Bhaskaran et. al. combination as applied to claims 1, 11, and 21 above, and further in view of Magers et al.

As per claim 3, the Burk et al. and Bhaskaran et al. combination discloses all of the elements of the claimed invention but fails to disclose "at least one created rule is a generic rule applicable to a plurality of contexts".

Magers et al. discloses a system for planning and implementing supply chains having "at least one created rule is a generic rule applicable to a plurality of contexts" (pg. 4, ¶ 55-57; via allows for analysis of simulation models within the context of supply chain, where the model allows for the application of respective business rules and where the context of supply chain is a generic context that includes a plurality of specific contexts within the area of supply chain as previously discussed) .

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of the Burk et al. and Bhaskaran et al. combination to include the creation of generic rules that is applicable to a plurality of contexts as taught by Magers et al. since such would be useful to apply to a wide variety of supply chain activities.

Claims 13, and 23 recite equivalent limitations to claim 3 and are therefore rejected using the same art and rationale as set forth above.

As per claim 5, the Burk et al. Bhaskaran combination discloses all of the elements of the claimed invention but fails to explicitly disclose "receiving at least one

real-time update from at least one information source; and modifying at least one of said created rule based on at least a portion of said real-time update".

Magers et al. discloses a system for planning and implementing supply chains having "at least one real-time update from at least one information source; and modifying at least of one said created rule based on at least a portion of said real-time update" (pg. 2, ¶ 26; via ability to model in real time, all aspects of the supply chain, and to change business rules of the objects themselves in a dynamic manner given received input from various external operation processes and devices).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of the Burk et al. and Bhaskaran et al. to include the modification of rules in real time as taught by Magers et al. since such would ensure that the rules will stay current with the changing conditions of the supply chain.

Claims 15 and 25 recite equivalent limitations to claim 5 and are therefore rejected using the same art and rationale as set forth above.

As per claim 6, the Burk et al. Bhaskaran combination discloses all of the elements of the claimed invention but fails to explicitly disclose "dynamically modifying said at least one of said created rule in real-time".

Magers et al. discloses a system for planning and implementing supply chains and "dynamically modifying said at least one of said created rule in real-time" (pg. 2, ¶ 26; via ability to model, in real time, all aspects of the supply chain, and to change

business rules of the objects themselves in a dynamic manner given received input from various external operation processes and devices).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of the Burk et al. and Bhaskaran et al. combination to include the dynamic modification of rules in real time as taught by Magers et al. since such would ensure that the rules will stay current with the changing conditions of the supply chain.

Claims 16 and 26 recite equivalent limitations to claim 6 and are therefore rejected using the same art and rationale as set forth above.

8. Claims 7-10, 17-20, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burk et al. in view of Bhaskaran as applied to claims 1, 11, and 21 above, and further in view of Pericle (2003/0217016).

As per claim 7, the Burk et al. Bhaskaran combination discloses all of the elements of the claimed invention but fails to explicitly disclose "generating by analogy, at least one option or suggestion which may be utilized for said creating of said at least one rule".

Pericle discloses a pricing model system and method that "generates by analogy, at least one option or suggestion which may be utilized for said creating of said at least one rule" (pg. 3, ¶ 34; via items could be classified in one or more category groupings using raw sales data, where the category groupings is a way of analogizing items in

order to sort items for price setting using different pricing mechanisms which serves as an option for price setting).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain management of the Burk et al. and Bhaskaran et al. combination to include the creation of rules by analogy as taught by Pericle since such would facilitate the modeling of sales process information by adding another method of generating rules.

Claims 17 and 27 recite equivalent limitations to claim 7 and are therefore rejected using the same art and rationale as set forth above.

As per claim 8, Burk et al. Bhaskaran combination discloses all of the elements of the claimed invention but fails to explicitly disclose "identifying and selecting at least one fragment of sales process information to be utilized for said generating by said analogy".

Pericle discloses a pricing model system and method that "identifying and selecting at least one fragment of sales process information to be utilized for said generating by said analogy" (pg. 2, ¶ 24; via customer subgroups may include groupings by geography, size of customer, purchase volume of customer, type of business, subject matter of practice where the customer groupings is a way of analogizing customers).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system and method for supply chain

management of the Burk et al. and Bhaskaran et al. combination to include the "identification and selection of at least one fragment of sales process information to be utilized for said generating by said analogy" as taught by Pericle since such would facilitate the modeling of sales process information by adding another method of generating rules.

Claims 18 and 28 recite equivalent limitations to claim 8 and are therefore rejected using the same art and rationale as set forth above.

As per claim 9, Burk et al. further discloses "identifying and selecting said at least one fragment of sales process information based on a context associated with said at least one fragment of sales process information" (pg. 10, ¶ 299-300; via the selection of one or more of a plurality of points in the supply chain is allowed in operation, where one of the points may be a store and data selected may reflect a sale of goods in the store where this data is a fragment of sales process information based on the store point within the supply chain).

Claims 19 and 29 recite equivalent limitations to claim 9 and are therefore rejected using the same art and rationale as set forth above.

As per claim 10, Burk et al. further discloses "receiving at least one input received context for said identifying and selecting of said at least one fragment of sales process information" (pg. 10, ¶ 301; via data is received from a plurality of stores of a supply chain. The data relates to an amount of goods sold by the stores).

Claims 10 and 30 recite equivalent limitations to claim 10 and are therefore rejected using the same art and rationale as set forth above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Das et al. (2003/0023538) discloses a method for automatically making operational selling decisions. Foretich et al. (2003/0191723) discloses a system and method for valuing real property. Corronna et al. 2002/0111916) discloses a payment management system. Ono et al. (5,909,023) discloses an online shopping support method based on the purchase history of users. Johnson et al. (6,067,525) discloses an integrated computerized sales force automation system. Fox (6,061,691) discloses a method and system for inventory management. Garg et al. (6,144,945) discloses a method for fast and accurate evaluation of periodic review policy. Chappel (2002/0174005) discloses a method and system for assessing and planning business operations. Manabe et al. (2002/0065767) discloses and information providing system and method. Lee et al. discloses a system and method for configuring sell bids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571)270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CDC

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